



COMPLAINT PROCEDURES



Overview

- ◆ Describe the Army's EO Complaint Process
- ◆ Define the types of Complaints
- ◆ Describe the Alternative Agencies
- ◆ Describe the Actions of the Commander
- ◆ Explain the Appeals Process
- ◆ Describe Forms of reprisal
- ◆ Explain the Military Whistleblower Protection Law

Types of Complaints

- ◆ Informal
- ◆ Formal



Informal Complaints

- ◆ Not required to be filed in writing
- ◆ Resolution at lowest level
- ◆ Does not require chain of command intervention
- ◆ Confidentiality Possible (but not guaranteed)
- ◆ Not subject to timelines suspense
- ◆ Has a good chance of success
- ◆ Severity of complaint does not warrant formal complaint



Formal Complaints

- ◆ Decision factors for formal complaints
 - Inability to resolve the complaint informally
 - Soldier uncomfortable with the informal process
 - Issue may warrant an official investigation
 - Soldiers wants an official record kept of the complaint
 - The complaint is against the chain of command
 - Desires to use an outside agency or higher echelon



Formal Complaints

- ◆ Chain of Command
- ◆ Alternate Agencies
 - A Higher Echelon Commander
 - EOA
 - Chaplain
 - Staff Judge Advocate
 - Provost Marshall
 - Inspector General
 - Community Homefinding Referral and Relocation Services Office
 - Medical Agency Personnel



Commander's/Alternate Agency Responsibility

- ◆ Ensure information is complete (DA 7279-R)
- ◆ Ensure individual is sworn to complaint
- ◆ Clarify basis of complaint, Identifying additional information, parties involved, and witnesses
- ◆ Inform complainant of process
- ◆ Refer to appropriate commander or agency within 3 calendar days



Commander's Responsibility

- ◆ Acknowledge Receipt
- ◆ Notify GCMCA within 72 hours
 - (update within 20 days, 14 days thereafter)
- ◆ Develop a reprisal prevention plan to protect the complainant, alleged perpetrator, and any named witnesses
- ◆ Conduct inquiry/investigation within 14 calendars days
 - (One extension up to 30 calendars days may be granted from the next higher commander, additional extensions must come from GCMCA)



Elements of Inquiry/Investigation

- ◆ Clarify nature of complaints
- ◆ Interview as appropriate
- ◆ Gather information
- ◆ Consult Advisors
- ◆ Assess information
- ◆ Render decision of findings
- ◆ Provide written feedback within 14 calendar days
- ◆ Inform complainant of appeals process



Appeals Process

- ◆ Submit on separate paper within 7 calendar days
- ◆ Specify issues you disagree with
- ◆ Submit to immediate or next higher commander
- ◆ May request appointment with appeal authority
- ◆ Final decision authority is GCMCA in the chain of command
- ◆ No further appeal available within EO complaint system
- ◆ Follow-up Resolution Assessment by EOA 30-45 calendar days of closing case



Reprisal

Taking or threatening to take an unfavorable personnel action or withholding or threatening to withhold a favorable personnel action, or any other act or act of retaliation, against a military member for making or preparing a protected communication

Forms of Reprisal

- ◆ Threatening
- ◆ Intimidation
- ◆ Harassment



Protected Communication

- ◆ Violation of law or regulation
- ◆ Severe case of mismanagement
- ◆ Fraud, or a gross waste of public funds
- ◆ An abuse of authority or position
- ◆ Substantial danger to public safety
- ◆ Cooperated with or assisted in an audit, inspection or investigation

Military Whistleblower Protection Law

◆ Prohibits:

- Restricting a military member from communicating with members of Congress, DoD officials, or other law enforcement agencies
- Taking or threatening to take an unfavorable personnel action or withholding or threatening to withhold a favorable personnel action, or any other act or act of retaliation, against a military member for making or preparing a protected communication



Reporting Incidents of Reprisal

- ◆ Made a “Protected Disclosure”
- ◆ Unfavorable action threatened or taken
- ◆ Officials or other persons who knew of disclosure or complaint
- ◆ Disclosure caused action taken
- ◆ Evidence that disclosure caused action
- * Not required to report in order



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